

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Applicants : Moy et al. Confirmation No. 8491

Serial No. : 09/607,126

Filed : June 29, 2000

For : **PROCESS FOR PRODUCING SINGLE WALL NANOTUBES  
USING UNSUPPORTED METAL CATALYSTS AND SINGLE  
WALL NANOTUBES PRODUCED ACCORDING TO THIS METHOD**

Art Unit : 1754

Examiner : Stuart L. Hendrickson

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited on July 6, 2004, with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop AF Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Signature: Marianne Pajak  
Marianne Pajak  
Kramer Levin Naftalis & Frankel LLP

NOTICE OF APPEAL

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Final Office Action mailed January 6, 2004 rejecting formerly pending claims 1-22 and 24-53.

Applicants have cancelled claims 1-22 in the concurrently filed Amendment After Final and have submitted a terminal disclaimer to address the only issue (i.e., obviousness double patenting) remaining with claims 24-53. Thus, this Notice is being filed for the purpose of

preserving the pendency of this application so that a Notice of Allowance may duly issue in light of Applicants' concurrently filed terminal disclaimer.

Our check in the amount of \$165.00 is enclosed to cover the appeal fee for a small entity as required by 37 C.F.R. § 1.17(b).

Please charge any additional payments or credit any overpayment to Deposit Account No. 50-0540. A duplicate copy of this Notice is enclosed.

Respectfully submitted,

July 6, 2004

By:

  
Barry Evans, Reg. No. 22,802  
Albert B. Chen, Reg. No. 41,667  
Kramer Levin Naftalis & Frankel LLP  
919 Third Avenue  
New York, NY 10022  
(212) 715-9100